

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition
to Revoke Probation Against:

SIMA MOUSAVI, RN
7889 Ardath Lane
La Jolla, CA 92037

Registered Nurse License No. 560328

Respondent

Case No. 2004-246

OAH No. L-2007120387

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 5, 2008.

IT IS SO ORDERED September 5, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 LINDA K. SCHNEIDER

Supervising Deputy Attorney General

3 LORETTA A. WEST, State Bar No. 149294

Deputy Attorney General

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8 Attorneys for Complainant

ORIGINAL

9
10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation and
14 Petition to Revoke Probation
Against:

15 SIMA MOUSAVI, RN
16 7889 Ardath Lane
La Jolla, CA 92037

17 Registered Nursing No. 560328

18 Respondent.

Case No. 2004-246

**STIPULATED SURRENDER
AND
DISCIPLINARY ORDER**

OAH No. L-2007120387

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
21 above-entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
26 by Loretta A. West, Deputy Attorney General.

27 2. Respondent Sima Mousavi is represented in this proceeding by attorney
28 Robert L. Freeman, whose address is 1673 Kettner Boulevard, San Diego, CA 92101.

1 3. On or about October 13, 1999, the Board of Registered Nursing issued
2 Registered Nursing License No. 560328 to Sima Mousavi (Respondent). The Respondent's
3 registered nursing license was in full force and effect at all times relevant to the charges brought
4 in Petition to Revoke Probation and Accusation No. 2004-246 and will expire on April 30, 2009
5 unless renewed.

6 JURISDICTION

7 4. On October 2, 2007, Accusation and Petition to Revoke Probation
8 No. 2004-246 was filed before the Board of Registered Nursing, and is currently pending against
9 Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required
10 documents were properly served on Respondent on October 10, 2007. Respondent timely filed
11 her Notice of Defense contesting the Accusation and Petition to Revoke Probation. A copy of
12 Accusation and Petition to Revoke Probation No. 2004-246 is attached as exhibit A and
13 incorporated herein by reference.

14 ADVISEMENT AND WAIVERS

15 5. Respondent has carefully read, fully discussed with counsel, and
16 understands the charges and allegations in Accusation and Petition to Revoke Probation No.
17 2004-246. Respondent has also carefully read, fully discussed with counsel, and understands the
18 effects of this Stipulated Surrender and Disciplinary Order.

19 6. Respondent is fully aware of her legal rights in this matter, including the
20 right to a hearing on the charges and allegations in the Accusation and Petition to Revoke
21 Probation; the right to confront and cross-examine the witnesses against her; the right to present
22 evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the
23 attendance of witnesses and the production of documents; the right to reconsideration and court
24 review of an adverse decision; and all other rights accorded by the California Administrative
25 Procedure Act and other applicable laws.

26 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
27 each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation and Petition to Revoke Probation No. 2004-246, agrees that her registered nursing
4 license is subject to discipline, and hereby surrenders her Registered Nurse License No. 493242
5 for the Board's formal acceptance.

6 9. Respondent understands that by signing this stipulation she enables the
7 Board to issue its order accepting the surrender of her Registered Nurse License No 493242
8 without further process.

9 10. Respondent understands that she shall lose all rights and privileges as a
10 registered nurse in California as of the effective date of the Board's order accepting the surrender
11 of her Registered Nurse License No 493242.

12 RESERVATION

13 11. The admissions made by Respondent herein are only for the purposes of
14 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
15 professional licensing agency is involved, and shall not be admissible in any other criminal or
16 civil proceeding.

17 CONTINGENCY

18 12. The parties understand and agree that facsimile copies of this Stipulated
19 Surrender and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Board of Registered Nursing may, without further notice or formal proceeding,
23 issue and enter the following Disciplinary Order:

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ORDER

IT IS HEREBY ORDERED that Registered Nursing License No. 560328, issued to Respondent Sima Mousavi is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's registered nursing license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board of Registered Nursing's Decision and Order.

3. Respondent shall cause to be delivered to the Board both her wall and pocket license certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation and Petition to Revoke Probation No. 2004-246 shall be deemed to be true, correct and admitted by Respondent when the Board of Registered Nursing determines whether to grant or deny the petition.

5. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation and Petition to Revoke Probation No. 2004-246 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Registered Nursing's Decision and Order.

7. Upon reinstatement of the license, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code

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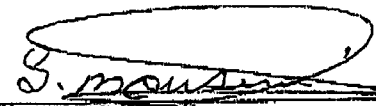
1 section 125.3 in the amount of eleven thousand one hundred dollars (\$11,139.00). Respondent
2 shall be permitted to pay these costs in a payment plan approved by the Board.

3 8. Respondent shall pay the board of registered nursing its costs of
4 investigation and enforcement in the amount of \$11,139.00, prior to issuance of a new or
5 reinstated license issued by any professional licensing agency in the state of California.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Surrender of License and Order and
8 have fully discussed it with my attorney, Robert L. Freeman. I understand the stipulation and the
9 effect it will have on my registered nursing license. I enter into this Stipulated Surrender of
10 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
11 Decision and Order of the Board of Registered Nursing.

12 DATED: 06-04-08

13 
14 SIMA MOUSAVI
Respondent

15 I have read and fully discussed with Respondent Sima Mousavi the terms and
16 conditions and other matters contained in this Stipulated Surrender of License and Order. I
17 approve its form and content.

18 DATED: 6/4/08 
19 ROBERT L. FREEMAN
20 Attorney for Respondent

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DATED: 6/4/08

LINDA K. SCHNEIDER
Supervising Deputy Attorney General

Loretta A. West
 LORETTA A. WEST
 Deputy Attorney General
 Attorneys for Complainant

80245353.wpd

Exhibit A

Accusation and Petition to Revoke Probation No. 2004-246

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER,
Supervising Deputy Attorney General
3 RONALD A. CASINO, State Bar No. 70410
Deputy Attorney General
4 California Department of Justice
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6 P.O. Box 85266
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Facsimile: (619) 645-2061
8
9 Attorneys for Complainant

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation/Petition to
13 Revoke Probation Against:

Case No. 2004-246

14 SIMA MOUSAVI, RN
7889 Ardath Lane
15 La Jolla, CA 92037

**ACCUSATION AND
PETITION TO REVOKE
PROBATION**

16 Registered Nursing No. 560328

17 Respondent.
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation and
22 Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board
23 of Registered Nursing, Department of Consumer Affairs.

24 **License History**

25 2.(a) On or about October 13, 1999, the Board of Registered Nursing issued
26 Registered Nurse License Number 560328 to Sima Mousavi ("Respondent"). The license was in
27 full force and effect at all times relevant to the charges brought herein and will expire on
28 April 30, 2009, unless renewed.

1 (b) On or about August 20, 2004, Respondent's license was revoked, the
2 revocation stayed, and Respondent was placed on three (3) years probation in Case No. 2004-
3 246. The details of this prior discipline are set forth below under the pleading section entitled
4 "Petition to Revoke Probation."

5 STATUTORY PROVISIONS

6 3. Section 482 of the Business and Professions Code ("Code") states:

7 Each board under the provisions of this code shall develop criteria to
8 evaluate the rehabilitation of a person when:

9 (a) Considering the denial of a license by the board under Section 480; or

10 (b) Considering suspension or revocation of a license under Section 490.
11 Each board shall take into account all competent evidence of rehabilitation furnished
12 by the applicant or licensee.

13 4. Section 490 of the Code states:

14 A board may suspend or revoke a license on the ground that the licensee has
15 been convicted of a crime, if the crime is substantially related to the qualifications,
16 functions, or duties of the business or profession for which the license was issued.
17 A conviction within the meaning of this section means a plea or verdict of guilty
18 or a conviction following a plea of nolo contendere. Any action which a board is
19 permitted to take following the establishment of a conviction may be taken when the
20 time for appeal has elapsed, or the judgment of conviction has been affirmed on
21 appeal, or when an order granting probation is made suspending the imposition of
22 sentence, irrespective of a subsequent order under the provisions of Section 1203.4
23 of the Penal Code.

24 5. Section 492 of the Code states, in pertinent part,

25 Notwithstanding any other provision of law, successful completion of
26 any diversion program under the Penal Code, or successful completion of an
27 alcohol and drug problem assessment program under Article 5 (commencing
28 with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code,
shall not prohibit any agency established under Division 2 (commencing with
Section 500) of this code, or any initiative act referred to in that division, from
taking disciplinary action against a licensee or from denying a license for
professional misconduct, notwithstanding that evidence of that misconduct
may be recorded in a record pertaining to an arrest.

6. Section 493 of the Code states, in pertinent part:

Notwithstanding any other provision of law, in a proceeding conducted by a
board within the department pursuant to law to deny an application for a license
or to suspend or revoke a license or otherwise take disciplinary action against
a person who holds a license, upon the ground that the applicant or the licensee
has been convicted of a crime substantially related to the qualifications, functions,
and duties of the licensee in question, the record of conviction of the crime shall
be conclusive evidence of the fact that the conviction occurred, but only of that

1 fact, and the board may inquire into the circumstances surrounding the commission
2 of the crime in order to fix the degree of discipline or to determine if the
3 conviction is substantially related to the qualifications, functions, and duties
4 of the licensee in question. . . .

5 7. Section 2750 of the Code provides, in pertinent part, that the Board may
6 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
7 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8 8. Section 2764 of the Code provides, in pertinent part, that the expiration of
9 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
10 against the licensee or to render a decision imposing discipline on the license. Under Code
11 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
12 years after the expiration.

13 9. Section 118, subdivision (b), of the Code provides that the suspension,
14 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
15 proceed with a disciplinary action during the period within which the license may be renewed,
16 restored, reissued or reinstated.

17 10. Section 2761 of the Code states, in pertinent part:

18 The board may take disciplinary action against a certified or licensed
19 nurse or deny an application for a certificate or license for any of the following:

20 (a) Unprofessional conduct, . . .

21

22 (f) Conviction of a felony or of any offense substantially related to
23 the qualifications, functions, and duties of a registered nurse, in which
24 event the record of the conviction shall be conclusive evidence thereof.

25 11. Section 125.3 of the Code provides, in pertinent part, that the Board may
26 request the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

REGULATIONS

12. Section 1444 of Title 16 of the California Code of Regulations
("Regulations") states:

1 A conviction or act shall be considered to be substantially related
2 to the qualifications, functions or duties of a registered nurse if to a
3 substantial degree it evidences the present or potential unfitness of a
4 registered nurse to practice in a manner consistent with the public
5 health, safety, or welfare. Such convictions or acts shall include but
6 not be limited to the following:

7 (a) Assaultive or abusive conduct including, but not limited to,
8 those violations listed in subdivision (d) of Penal Code Section 11160.

9 (b) Failure to comply with any mandatory reporting requirements.

10 (c) Theft, dishonesty, fraud, or deceit.

11 (d) Any conviction or act subject to an order of registration pursuant
12 to Section 290 of the Penal Code.

13 13. Section 1445 of the Regulations states:

14 (a) When considering the denial of a license under Section 480 of the code, the
15 board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license
16 will consider the following criteria:

17 (1) The nature and severity of the act(s) or crime(s) under
18 consideration as grounds for denial.

19 (2) Evidence of any act(s) committed subsequent to the act(s)
20 or crime(s) under consideration as grounds for denial which also
21 could be considered as grounds for denial under Section 480 of the code.

22 (3) The time that has elapsed since commission of the act(s) or
23 crime(s) referred to in subdivision (1) or (2).

24 (4) The extent to which the applicant has complied with any terms
25 of parole, probation, restitution, or any other sanctions lawfully imposed
26 against the applicant.

27 (5) Evidence, if any, of rehabilitation submitted by the applicant.

28 (b) When considering the suspension or revocation of a license
on the grounds that a registered nurse has been convicted of a crime, the
board, in evaluating the rehabilitation of such person and his/her
eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s)
or offense(s).

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1 (4) Whether the licensee has complied with any terms of parole,
2 probation, restitution or any other sanctions lawfully imposed against
the licensee.

3 (5) If applicable, evidence of expungement proceedings
4 pursuant to Section 1203.4 of the Penal Code.

5 (6) Evidence, if any, of rehabilitation submitted by the licensee.

6 **ACCUSATION ALLEGATIONS**

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(June 16, 2005 Criminal Convictions - Grand Theft and**
9 **False Information to a Peace Officer on December 13, 2004)**

10 14. Respondent's license is subject to disciplinary action under Code sections
11 490 and 2761, subdivisions (a) and (f), in that Respondent has been convicted of crimes which
12 are substantially related to the qualifications, functions, or duties of a registered nurse, as set
13 forth below.

14 15. On or about June 16, 2005, in the Superior Court of California, County of
15 San Diego, in the case entitled *People of the State of California v. Sima Mousavi*, Case No. SCD
16 187584, Respondent was convicted by jury verdict of guilty of violating Penal Code sections
17 487(a) (grand theft of personal property, a felony) and 148.9(a) (giving false information to a
18 peace officer to evade proper identification, a misdemeanor). The facts and circumstances of the
19 convictions are as follows.

20 16. On or about December 13, 2004, in the City of San Diego, Respondent
21 stole personal property of a value in excess of \$400.00 from a retail store (Lissilaa Boutique).
22 She subsequently misidentified herself to the arresting officer in order to evade his proper
23 identification of Respondent.

24 17. On or about November 18, 2005, Respondent was sentenced to five (5)
25 years formal probation, 365 days in custody, and fines totaling \$1,044.00.

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1 a. **CONDITION NO. 1:**

2 **OBEY ALL LAWS** - Respondent shall obey all federal, state and local laws.

3 A full and detailed account of any and all violations of law shall be reported by Respondent to
4 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
5 compliance with this condition, Respondent shall submit completed fingerprint forms and
6 fingerprint fees within 45 days of the effective date of the decision unless previously submitted
7 as part of the licensure application process.

8 **CRIMINAL COURT ORDERS:** If respondent is under criminal court orders,
9 including probation or parole, and the order is violated, this shall be deemed a violation of these
10 probation conditions, and may result in the filing of an accusation and/or petition to revoke
11 probation.

12 b. **CONDITION NO. 2:**

13 **COMPLY WITH THE BOARD'S PROBATION PROGRAM** - Respondent

14 shall fully comply with the conditions of the Probation Program established by the Board and
15 cooperate with representatives of the Board in its monitoring and investigation of Respondent's
16 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
17 within no more than 15 days of any address change and shall at all times maintain an active,
18 current license status with the Board, including during any period of suspension.

19 Upon successful completion of probation, Respondent's license shall be fully
20 restored.

21 c. **CONDITION NO. 3:**

22 **REPORT IN PERSON** - Respondent, during the period of probation, shall

23 appear in person at interviews/meetings as directed by the Board or its designated
24 representatives.

25 d. **CONDITION NO. 5:**

26 **SUBMIT WRITTEN REPORTS** - Respondent, during the period of probation,

27 shall submit or cause to be submitted such written reports/declarations and verifications of
28 actions under penalty of perjury, as required by the Board. These reports/declarations shall

1 contain statements relative to Respondent's compliance with all the conditions of the Board's
2 Probation Program. Respondent shall immediately execute all release of information forms as
3 may be required by the Board or its representatives. Respondent shall provide a copy of this
4 Decision to the nursing regulatory agency in every state and territory in which she has a
5 registered nurse license.

6 e. **CONDITION NO. 7:**

7 **EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS -**

8 Respondent shall obtain prior approval from the Board before commencing or continuing any
9 employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to
10 the Board all performance evaluations and other employment related reports as a registered nurse
11 upon request of the Board. Respondent shall provide a copy of this Decision to her employer and
12 immediate supervisors prior to commencement of any nursing or other health care related
13 employment. In addition to the above, Respondent shall notify the Board in writing within
14 seventy-two (72) hours after she obtains any nursing or other health care related employment.
15 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
16 terminated or separated, regardless of cause, from any nursing, or other health care related
17 employment with a full explanation of the circumstances surrounding the termination or
18 separation.

19 f. **CONDITION NO. 8:**

20 **SUPERVISION** - Respondent shall obtain prior approval from the Board

21 regarding Respondent's level of supervision and/or collaboration before commencing or
22 continuing any employment as a registered nurse, or education and training that includes patient
23 care. Respondent shall practice only under the direct supervision of a registered nurse in good
24 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
25 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
26 approved. Respondent's level of supervision and/or collaboration may include, but is not limited
27 to the following:

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1 (a) Maximum - The individual providing supervision and/or collaboration is
2 present in the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in the
4 patient care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has
6 person-to-person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health
8 care setting, the individual providing supervision and/or collaboration shall have person-to-
9 person communication with Respondent as required by the Board each work day. Respondent
10 shall maintain telephone or other telecommunication contact with the individual providing
11 supervision and/or collaboration as required by the Board during each work day. The individual
12 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
13 site visits to patients' homes visited by Respondent with or without Respondent present.

14 g. **CONDITION NO. 10:**

15 **COMPLETE A NURSING COURSE(S)** - Respondent, at her own expense,
16 shall enroll in and successfully complete a course(s) relevant to the practice of registered nursing
17 no later than six months prior to the end of her probationary term. Respondent shall obtain prior
18 approval from the Board before enrolling in the course(s). Respondent shall submit to the Board
19 the original transcripts or certificates of completion for the above-required course(s). The Board
20 shall return the original transcripts or certificates of completion to Respondent after
21 photocopying them for its records.

22 h. **CONDITION NO. 11:**

23 **COST RECOVERY** - Respondent shall pay to the Board costs associated with
24 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
25 amount of \$3,000. Respondent shall be permitted to pay these costs in a payment plan approved
26 by the Board, with payments to be completed no later than three months prior to the end of the
27 probation term. If Respondent has not complied with this condition during the probationary
28 term, and Respondent has presented sufficient documentation of her good faith efforts to comply

1 with this condition, and if no other conditions have been violated, the Board, in its discretion,
2 may grant an extension of Respondent's probation period up to one year without further hearing
3 in order to comply with this condition. During the one year extension, all original conditions of
4 probation will apply.

5 **FIRST CAUSE TO REVOKE PROBATION**
6 **(Failure to Obey All Laws)**

7 22. Respondent's probation is subject to revocation under probation
8 conditions 1 and 2, in that Respondent violated condition 1 as follows:

9 a. On or about December 13, 2004, Respondent committed the crimes of grand
10 theft and giving false information to a peace officer to evade identification, as set forth in
11 paragraphs 14 through 17 above.

12 b. Respondent failed to provide a full and detailed written account of the
13 December 13, 2004 violations of law within seventy-two (72) hours of occurrence.

14 c. At the time of the criminal violations committed on December 13, 2004,
15 Respondent was on criminal probation for theft convictions she suffered in 2002 and 2003.
16 Therefore, the December 13, 2004 misconduct constitutes a violation of the criminal court orders
17 to obey all laws.

18 d. On or about February 19, 2007, Respondent committed the crime of attempted
19 grand theft, as set forth in paragraph 18 above.

20 e. Respondent failed to provide a full and detailed written account of the
21 February 19, 2007 violation of law within seventy-two (72) hours of occurrence.

22 f. At the time of the criminal violation committed on February 19, 2007,
23 Respondent was on criminal probation for the November 18, 2005 convictions for grand theft
24 and giving false information to a peace officer to evade identification. Therefore, the
25 February 19, 2007 misconduct constitutes a violation of the criminal court order to obey all laws.

26 **SECOND CAUSE TO REVOKE PROBATION**
27 **(Failure to Report in Person)**

28 23. Respondent's probation is subject to revocation under probation

conditions 2 and 3, in that Respondent violated condition 3 as follows:

a. Respondent failed to complete and return to the Board the "Probationer's Interim Declaration" (an alternative to reporting in person) by April 15, 2005, as required.

THIRD CAUSE TO REVOKE PROBATION
(Failure to Submit Written Reports)

24. Respondent's probation is subject to revocation under probation conditions 2 and 5, in that Respondent violated condition 5 as follows:

a. Respondent failed to complete and return to the Board the interim declaration noted in paragraph 23 above.

b. Respondent failed to submit, or cause to be submitted, in a timely manner, the monthly "Work Performance Evaluations" related to Respondent's employment at Sharp's Hospital for the months of July 2006 through April 2007, as required.

c. Respondent failed to submit a full and detailed written account of her December 13, 2004 violations of law within seventy-two (72) hours of occurrence, as required.

d. Respondent failed to submit a full and detailed written account of her February 19, 2007 violation of law within seventy-two (72) hours of occurrence, as required.

e. Respondent failed to submit, or cause to be submitted, the on-going treatment verification form by November 17, 2006, as required.

f. Respondent failed to submit the written quarterly report by April 7, 2007, as required.

FOURTH CAUSE TO REVOKE PROBATION
(Failure to Comply with Employment Approval and Reporting Requirements)

25. Respondent's probation is subject to revocation under probation conditions 2 and 7, in that Respondent violated condition 7 as follows:

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a. Respondent failed to obtain prior Board approval before commencing or continuing work in the "Cath Lab" at Sharp's Hospital.

b. Respondent failed to submit a written report within seventy-two (72) hours of

1 her obtaining a work assignment in the "Cath Lab" at Sharp's, as required.

2 c. Respondent failed to submit a written report within seventy-two (72) hours of
3 her separation from the "Unit 7S" work assignment at Sharp's.

4 d. Respondent failed to submit, or cause to be submitted, in a timely manner, the
5 monthly "Work Performance Evaluations" related to her employment at Sharp's for the months
6 of July 2006 through April 2007, as required.

7 **FIFTH CAUSE TO REVOKE PROBATION**
8 **(Failure to Comply with Supervision Requirements)**

9 26. Respondent's probation is subject to revocation under probation
10 conditions 2 and 8, in that Respondent violated condition 8 as follows:

11 a. Respondent failed to obtain prior Board approval regarding her level of
12 supervision before commencing or continuing work in the "Cath Lab" at Sharp's Hospital.

13 **SIXTH CAUSE TO REVOKE PROBATION**
14 **(Failure to Comply with Nursing Course(s) Requirements)**

15 27. Respondent's probation is subject to revocation under probation
16 conditions 2 and 10, in that Respondent violated condition 10 as follows:

17 a. Respondent failed to successfully complete the assigned course in
18 "Professional Accountability and Legal Liability" by February 19, 2007, as required.

19 b. Respondent failed to successfully complete the assigned course in "Ethics" by
20 February 19, 2007, as required.

21 **SEVENTH CAUSE TO REVOKE PROBATION**
22 **(Failure to Comply with Cost Recovery Requirements)**

23 28. Respondent's probation is subject to revocation under probation
24 conditions 2 and 11, in that Respondent violated condition 11, as follows:

25 a. Respondent failed to pay all costs by May 19, 2007, as required.


26 **PRAYER**

27 WHEREFORE, Complainant requests that a hearing be held on the matters herein
28 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1 1. Revoking Registered Nurse License Number 560328 issued to Sima
2 Mousavi;
3 2. Revoking the probation that was granted by the Board in Case No.
4 2004-246 and imposing the disciplinary order that was stayed; thereby revoking Registered Nurse
5 License Number 560328 issued to Sima Mousavi;
6 3. Ordering Sima Mousavi to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
8 125.3; and
9 4. Taking such other and further action as deemed necessary and proper.

10 DATED: 10/2/07

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RUTH ANN TERRY, M.P.H., R.N.,
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

RAC:kc
SD2007801710
80158635.wpd

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2004-246

SIMA MOUSAVI, RN

5681 Desert View Drive
La Jolla, CA 92037
and
7889 Ardath Lane
La Jolla, CA 92037

Registered Nursing License No. 560328

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board, as its Decision in this matter.

This Decision shall become effective on August 20, 2004.

It is so ORDERED July 21, 2004.

Landra K. Erickson

FOR THE BOARD OF REGISTERED NURSING

1 BILL LOCKYER, Attorney General
of the State of California
2 LORETTA A. NICKERSON, State Bar No. 149294
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2107
Facsimile: (619) 645-2061
7

8 Attorneys for Complainant

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 SIMA MOUSAVI, RN
5681 Desert View Drive
15 La Jolla, CA 92037
and
16 7889 Ardath Lane
La Jolla, CA 92037
17

18 Registered Nursing License No. 560328

19 Respondent.
20

Case No. 2004-246

OAH No. L-2004-

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

21 In the interest of a prompt and speedy settlement of this matter, consistent with the public
22 interest and the responsibility of the Board the parties hereby agree to the following Stipulated
23 Settlement and Disciplinary Order which will be submitted to the Board for approval and
24 adoption as the final disposition of the Accusation.

25 PARTIES

26 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer
27 of the Board of Registered Nursing. She brought this action solely in her official capacity and
28 ///

1 is represented in this matter by Bill Lockyer, Attorney General of the State of California, by
2 Loretta A. Nickerson, Deputy Attorney General.

3 2. Respondent SIMA MOUSAVI, RN (Respondent) is represented in this
4 proceeding by attorney Michael McGlinn, whose address is 5030 Camino de la Siesta, Suite 350
5 San Diego, CA 92108-3119.

6 3. On or about October 13, 1999, the Board of Registered Nursing issued
7 Registered Nursing License No. 560328 to SIMA MOUSAVI, RN (Respondent). The
8 Respondent's Registered Nursing License was in full force and effect at all times relevant to the
9 charges brought in Accusation No. 2004-246 and will expire on April 30, 2005, unless renewed.

10 **JURISDICTION**

11 4. Accusation No. 2004-246 was filed before the Board, and is currently
12 pending against Respondent. The Accusation and all other statutorily required documents were
13 properly served on Respondent on April 5, 2004. Respondent timely filed her Notice of Defense
14 contesting the Accusation. A copy of Accusation No. 2004-246 is attached as exhibit A and
15 incorporated herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 5. Respondent has carefully read, fully discussed with counsel, and
18 understands the charges and allegations in Accusation No. 2004-246. Respondent has also
19 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
20 Settlement and Disciplinary Order.

21 6. Respondent is fully aware of her legal rights in this matter, including the
22 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
23 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
24 the right to present evidence and to testify on her own behalf; the right to the issuance of
25 subpoenas to compel the attendance of witnesses and the production of documents; the right to
26 reconsideration and court review of an adverse decision; and all other rights accorded by the
27 California Administrative Procedure Act and other applicable laws.

28 ///

1 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
2 each and every right set forth above.

3 **ADMISSIONS AND CULPABILITY**

4 8. Respondent admits the truth of each and every charge and allegation in
5 Accusation No. 2004-246.

6 9. Respondent agrees that her Registered Nursing License is subject to
7 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
8 Disciplinary Order below.

9 **RESERVATION**

10 10. The admissions made by Respondent herein are only for the purposes of
11 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
12 professional licensing agency is involved, and shall not be admissible in any other criminal or
13 civil proceeding.

14 **CONTINGENCY**

15 11. This stipulation shall be subject to approval by the Board of Registered
16 Nursing. Respondent understands and agrees that counsel for Complainant and staff of the Board
17 of Registered Nursing may communicate directly with the Board regarding this stipulation and
18 settlement, without notice to or participation by Respondent or her counsel. By signing the
19 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
20 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
21 to adopt this stipulation as its Decision and Order, the Stipulated Surrender of License and Order
22 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
23 between the parties, and the Board shall not be disqualified from further action by having
24 considered this matter.

25 12. The parties understand and agree that facsimile copies of this Stipulated
26 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
27 force and effect as the originals.

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13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nursing License No. 560328 issued to Respondent SIMA MOUSAVI, RN (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

1 2. **Comply with the Board's Probation Program (continued).**

2 Upon successful completion of probation, Respondent's license shall be fully
3 restored.

4 3. **Report in Person.** Respondent, during the period of probation, shall
5 appear in person at interviews/meetings as directed by the Board or its designated
6 representatives.

7 4. **Residency, Practice, or Licensure Outside of State.** Periods of
8 residency or practice as a registered nurse outside of California shall not apply toward a reduction
9 of this probation time period. Respondent's probation is tolled, if and when she resides outside
10 of California. Respondent must provide written notice to the Board within 15 days of any change
11 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
12 returning to practice in this state.

13 Respondent shall provide a list of all states and territories where she has ever been
14 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
15 provide information regarding the status of each license and any changes in such license status
16 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
17 new nursing license during the term of probation.

18 5. **Submit Written Reports.** Respondent, during the period of probation,
19 shall submit or cause to be submitted such written reports/declarations and verification of actions
20 under penalty of perjury, as required by the Board. These reports/declarations shall contain
21 statements relative to Respondent's compliance with all the conditions of the Board's Probation
22 Program. Respondent shall immediately execute all release of information forms as may be
23 required by the Board or its representatives.

24 Respondent shall provide a copy of this Decision to the nursing regulatory agency
25 in every state and territory in which she has a registered nurse license.

26 6. **Function as a Registered Nurse.** Respondent, during the period of
27 probation, shall engage in the practice of registered nursing in California for a minimum of 24
28 hours per week for 6 consecutive months or as determined by the Board.

1 **6. Function as a Registered Nurse (continued).**

2 For purposes of compliance with the section, "engage in the practice of registered
3 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
4 work in any non-direct patient care position that requires licensure as a registered nurse.

5 The Board may require that advanced practice nurses engage in advanced practice
6 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
7 Board.

8 If Respondent has not complied with this condition during the probationary term,
9 and Respondent has presented sufficient documentation of her good faith efforts to comply with
10 this condition, and if no other conditions have been violated, the Board, in its discretion, may
11 grant an extension of Respondent's probation period up to one year without further hearing in
12 order to comply with this condition. During the one year extension, all original conditions of
13 probation shall apply.

14 **7. Employment Approval and Reporting Requirements.** Respondent
15 shall obtain prior approval from the Board before commencing or continuing any employment,
16 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
17 performance evaluations and other employment related reports as a registered nurse upon request
18 of the Board.

19 Respondent shall provide a copy of this Decision to her employer and immediate
20 supervisors prior to commencement of any nursing or other health care related employment.

21 In addition to the above, Respondent shall notify the Board in writing within
22 seventy-two (72) hours after she obtains any nursing or other health care related employment.
23 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
24 terminated or separated, regardless of cause, from any nursing, or other health care related
25 employment with a full explanation of the circumstances surrounding the termination or
26 separation.

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1 8. **Supervision.** Respondent shall obtain prior approval from the Board
2 regarding Respondent's level of supervision and/or collaboration before commencing or
3
4 continuing any employment as a registered nurse, or education and training that includes patient
5 care.

6 Respondent shall practice only under the direct supervision of a registered nurse
7 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
8 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
9 are approved.

10 Respondent's level of supervision and/or collaboration may include, but is not
11 limited to the following:

12 (a) Maximum - The individual providing supervision and/or collaboration is
13 present in the patient care area or in any other work setting at all times.

14 (b) Moderate - The individual providing supervision and/or collaboration is in
15 the patient care unit or in any other work setting at least half the hours Respondent works.

16 (c) Minimum - The individual providing supervision and/or collaboration has
17 person-to-person communication with Respondent at least twice during each shift worked.

18 (d) Home Health Care - If Respondent is approved to work in the home health
19 care setting, the individual providing supervision and/or collaboration shall have person-to-
20 person communication with Respondent as required by the Board each work day. Respondent
21 shall maintain telephone or other telecommunication contact with the individual providing
22 supervision and/or collaboration as required by the Board during each work day. The individual
23 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
24 site visits to patients' homes visited by Respondent with or without Respondent present.

25 9. **Employment Limitations.** Respondent shall not work for a nurse's
26 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
27 traveling nurse, or for an in-house nursing pool.

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sm 9.

Employment Limitations (continued).

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. Complete a Nursing Course(s). Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. Cost Recovery. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$ 3,000. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

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1 **11. Cost Recovery (continued).**

2 If Respondent has not complied with this condition during the probationary term,
3 and Respondent has presented sufficient documentation of her good faith efforts to comply with
4 this condition, and if no other conditions have been violated, the Board, in its discretion, may
5 grant an extension of Respondent's probation period up to one year without further hearing in
6 order to comply with this condition. During the one year extension, all original conditions of
7 probation will apply.

8 **12. Violation of Probation.** If Respondent violates the conditions of her
9 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
10 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
11 license.

12 If during the period of probation, an accusation or petition to revoke probation has
13 been filed against Respondent's license or the Attorney General's Office has been requested to
14 prepare an accusation or petition to revoke probation against Respondent's license, the
15 probationary period shall automatically be extended and shall not expire until the accusation or
16 petition has been acted upon by the Board.

17 **13. License Surrender.** During Respondent's term of probation, if she ceases
18 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
19 probation, Respondent may surrender her license to the Board. The Board reserves the right to
20 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
21 take any other action deemed appropriate and reasonable under the circumstances, without
22 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
23 will no longer be subject to the conditions of probation.

24 Surrender of Respondent's license shall be considered a disciplinary action and
25 shall become a part of Respondent's license history with the Board. A registered nurse whose
26 license has been surrendered may petition the Board for reinstatement no sooner than the

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1 **13. License Surrender (continued).**

2 following minimum periods from the effective date of the disciplinary decision:

3 (1) Two years for reinstatement of a license that was surrendered for any
4 reason other than a mental or physical illness; or

5 (2) One year for a license surrendered for a mental or physical illness.

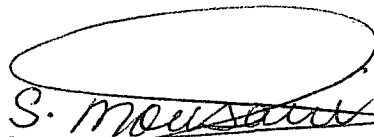
6 **14. Therapy or Counseling Program.** Respondent, at her expense, shall
7 participate in an on-going counseling program until such time as the Board releases her from this
8 requirement and only upon the recommendation of the counselor. Written progress reports from
9 the counselor will be required at various intervals.

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11 **ACCEPTANCE**

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and
13 have fully discussed it with my attorney, Michael McGlinn. I understand the stipulation and the
14 effect it will have on my Registered Nursing License. I enter into this Stipulated Settlement and
15 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the Board.

17 DATED: 05-05-04.

18  05-05-04
19 SIMA MOUSAVI, RN
Respondent

20 I have read and fully discussed with Respondent SIMA MOUSAVI, RN the terms
21 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
22 Order. I approve its form and content.

23 DATED: 5-10-04.

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25 MICHAEL MCGLINN
Attorney for Respondent

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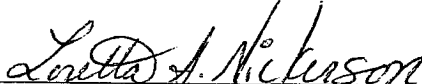
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board title.

DATED: 5/14/04.

BILL LOCKYER, Attorney General
of the State of California


LORETTA A. NICKERSON
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2003800690

Exhibit A
Accusation No. 2004-246

1 BILL LOCKYER, Attorney General
of the State of California
2 LORETTA A. NICKERSON, State Bar No. 149294
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2107
Facsimile: (619) 645-2061

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2004-246

13 SIMA MOUSAVI, RN
5681 Desert View Drive
14 La Jolla, CA 92037
and
15 7889 Ardath Lane
La Jolla, CA 92037

A C C U S A T I O N

16 Registered Nursing License No. 560328

17 Respondent.
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21 Complainant Ruth Ann Terry, M.P.H., R.N., alleges:

22 **PARTIES**

- 23 1. (Complainant) brings this Accusation solely in her official capacity as the
24 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.
- 25 2. On or about October 13, 1999, the Board of Registered Nursing issued
26 Registered Nursing License Number 560328 to SIMA MOUSAVI, RN (Respondent). The
27 Registered Nursing License was in full force and effect at all times relevant to the charges
28 brought herein and will expire on April 30, 2005, unless renewed.

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1 7. Section 490 of the Code states:

2 “A board may suspend or revoke a license on the ground that the licensee has
3 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
4 duties of the business or profession for which the license was issued. A conviction within the
5 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
6 contendere. Any action which a board is permitted to take following the establishment of a
7 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
8 been affirmed on appeal, or when an order granting probation is made suspending the imposition
9 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
10 Penal Code.”

11 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
12 request the administrative law judge to direct a licensee found to have committed a violation or
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
14 and enforcement of the case.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Conviction of Substantially Related Crime)**

17 9. Respondent is subject to disciplinary action under Business and
18 Professions Code Sections 490, and 2761(f) in that on or about April 16, 2003, in the Superior
19 Court of California, San Diego, in Case No. CD 170970, entitled *People v. Sima Mousavi*,
20 Respondent was convicted on her plea of guilty to one count of violating each of the following
21 Penal Code sections 484, 490.5, and 666 (Petty Theft of Retail Merchandise, with a Prior and
22 Enhancement), a felony crime which is substantially related to her qualifications, functions and
23 duties as a registered nurse. The facts and circumstances underlying Respondent’s criminal
24 conviction are as follows:

25 a. On or about October 31, 2002, while being observed and recorded by a
26 security camera inside Nordstrom’s department store in La Jolla, California, Respondent placed
27 two items into her purse and left the store without making any attempt to pay for the items. As
28 Respondent left the store, Nordstrom’s Security Officer made a citizen’s arrest and called the San

1 Diego Police Department. A San Diego Police Officer, arrived, viewed Nordstrom's surveillance
2 video, and then arrested Respondent. The Police Officer conducted a records check and
3 determined that Respondent had previously served time in jail for a theft related offense.
4 Respondent was not cooperative at the time of her arrest.

5 10. Respondent is subject to disciplinary action under Business and
6 Professions Code Sections 490, and 2761(f) in that on or about July 30, 2002, in the Superior
7 Court of California, San Diego, in Case No. CD 165784, entitled *People v. Sima Mousavi*,
8 Respondent was convicted on her plea of guilty to one count of violating Penal Code sections
9 484 and 466 (Petty Theft, with a Prior), a felony crime which is substantially related to her
10 qualifications, functions and duties as a registered nurse. The facts and circumstances underlying
11 Respondent's criminal conviction are as follows:

12 a. On or about February 6, 2002, while inside Jonathan's grocery market in
13 La Jolla, California, Respondent concealed several items in her purse and then left the store
14 without attempting to pay for the items. Jonathan's Security Officer made a citizen's arrest of
15 Respondent and then called San Diego Police Department. A San Diego Police Officer
16 interviewed Jonathan's Security Officer, checked Respondent's criminal record, determined that
17 Respondent had previously served time for a theft related offense, and arrested Respondent.

18 11. Respondent is subject to disciplinary action under Business and
19 Professions Code Sections 490, and 2761(f) in that on or about July 23, 1999, in the Superior
20 Court of California, San Diego, in Case No. CN 099586, entitled *People v. Sima Mousavi*,
21 Respondent was convicted on her plea of guilty to one count of violating Penal Code section
22 459(Burglary-enter a building with the intent to commit theft), a felony crime which is
23 substantially related to her qualifications, functions and duties as a registered nurse. The facts
24 and circumstances underlying Respondent's criminal conviction are as follows:

25 a. On or about June 28, 1999, Respondent entered a Robinson's-May
26 department store with the intent to steal items from the store.

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1 12. Respondent is subject to disciplinary action under Business and
2 Professions Code Sections 490, and 2761(f) in that on or about May 20, 1999, in the Superior
3 Court of California, San Diego, in Case No. CDF 143304, entitled *People v. Sima Mousavi*,
4 Respondent was convicted on her plea of guilty to one count of violating Penal Code sections
5 484 and 666(Petty Theft with a Prior), a misdemeanor crime which is substantially related to her
6 qualifications, functions and duties as a registered nurse. The facts and circumstances underlying
7 Respondent's criminal conviction are as follows:

8 a. On or about December 3, 1998, while inside a Ralph's supermarket in San
9 Diego, California, Respondent concealed several items and left the store without attempting to
10 pay for the items.

11 13. Respondent is subject to disciplinary action under Business and
12 Professions Code Sections 490, and 2761(f) in that on or about August 19, 1998, in the Superior
13 Court of California, San Diego, in Case No. M-756686, entitled *People v. Sima Mousavi*,
14 Respondent was convicted on her plea of guilty to one count of violating Penal Code sections
15 487(a)(Grand Theft), a misdemeanor crime which is substantially related to her qualifications,
16 functions and duties as a registered nurse. The facts and circumstances underlying Respondent's
17 criminal conviction are as follows:

18 a. On or about May 9, 1998, while inside a Neiman Marcus Store in San
19 Diego, California, Respondent concealed several items, of a value in excess of four hundred
20 dollars, and left the store without attempting to pay for the items.

21 14. Respondent is subject to disciplinary action under Business and
22 Professions Code Sections 490, and 2761(f) in that on or about February 24, 1997, in the
23 Superior Court of California, San Diego, in Case No. CN 054262, entitled *People v. Sima*
24 *Mousavi*, Respondent was convicted on her plea of guilty to one count of violating Penal Code
25 sections 484 and 488(a)(Petty Theft), a misdemeanor crime which is substantially related to her

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1 qualifications, functions and duties as a registered nurse. The facts and circumstances underlying
2 Respondent's criminal conviction are as follows:

3 a. On or about December 5, 1996, Respondent concealed merchandise and
4 left the store without attempting to pay for the items.

5
6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct)**

8 15. Respondent is subject to disciplinary action under Sections 490, 2761(a)
9 and 2761(d) in that respondent engaged in unprofessional conduct, as described above in
10 paragraphs 9, 10, 11, 12, 13 and 14, which are incorporated herein by this reference.

11
12 **PRAYER**

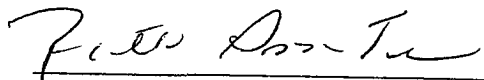
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nursing License Number 560328,
16 issued to SIMA MOUSAVI.

17 2. Ordering SIMA MOUSAVI to pay the Board of Registered Nursing the
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 3/16/04

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24

25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant

SD2003800690

ACCUSATION.wpd